

United States Department of Agriculture

BUREAU OF ANIMAL INDUSTRY

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER 1—BUREAU OF ANIMAL INDUSTRY

Subchapter E—Viruses, Serums, Toxins, and Analogous Products

Amending 9 C F R 101.1 and adding 9 C F R Part 122

AMENDMENT 14 to B. A. I. ORDER 276—REGULATIONS GOVERNING THE PREPARATION, SALE, BARTER, EXCHANGE, SHIPMENT, AND IMPORTATION OF VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS INTENDED FOR USE IN THE TREATMENT OF DOMESTIC ANIMALS

Effective on and after March 15, 1939

U. S. DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY,

Washington, D. C., March 1, 1939.

Under authority of section 2 of the act of Congress approved February 2, 1903, entitled "An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes" (32 Stat. 792; 21 U. S. C. 111), and of the act of Congress approved March 4, 1913, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914" (37 Stat. 832-833; 21 U. S. C. 151-158), B. A. I. Order 276 (9 C F R Parts 101-121), embodying the regulations governing the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogous products intended for use in the treatment of domestic animals, effective on and after November 1, 1922, as amended, is hereby further amended as follows:

(a) By changing the title thereof to read: "Regulations governing the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogous products intended for use in the treatment of domestic animals, and the importation and interstate shipment of organisms or vectors."

(b) By amending regulation 1, section 1 (9 C F R 101.1) thereof by adding thereto paragraph 21 (t), reading:

SEC. 101.1 (t) (Par. 21) *Organisms or vectors.* All cultures or collections of organisms or viruses, or their derivatives, from a foreign country which may introduce or disseminate any contagious or infectious disease of animals and all experimental animals such as mice, pigeons, guinea pigs, rats, ferrets, rabbits, and the like, which have been treated or inoculated therewith, or which are diseased or infected with any disease or which have been exposed to any such infection. (Sec. 2, 32 Stat. 792; 21 U. S. C. 111; 37 Stat. 832-833; 21 U. S. C. 151-158)

(c) By adding regulation 22 (9 C F R Part 122) thereto, reading:

Part 122 (regulation 22) *Organisms or vectors.*

SEC. 122.1 (Sec. 1) *Permits required.* No organisms or vectors, as defined in section 101.1 (t) (regulation 1, section 1, paragraph 21) of this order, as hereby amended, shall be imported into the United States or transported from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, without a permit issued by the Secretary of Agriculture and

in compliance with the terms thereof. (Sec. 2, 32 Stat. 792; 21 U. S. C. 111; 37 Stat. 832-833; 21 U. S. C. 151-158)

Sec. 122.2 (Sec. 2) *Application for permits.* The Secretary of Agriculture may issue, at his discretion a permit as specified in section 122.1 of this order, as hereby amended, when proper safeguards are set up to protect the public. Application for such a permit shall be made in advance of shipment and each permit shall specify the name and address of the consignee, the true name and character of each of the organisms or vectors involved, and the use to which each will be put. (Sec. 2, 32 Stat. 792; 21 U. S. C. 111; 37 Stat. 832-833; 21 U. S. C. 151-158)

This amendment, which for purpose of identification is designated Amendment 14 to B. A. I. Order 276, shall be effective on and after March 15, 1939.

Done at Washington this 1st day of March 1939. Witness my hand and the seal of the Department of Agriculture.



H. Wallace

Secretary of Agriculture.

APPENDIX

LAW UNDER WHICH THE FOREGOING ORDER IS ISSUED

AN ACT to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of livestock, and for other purposes. Approved February 2, 1903 (32 Stat. 792; 21 U. S. C. 111).

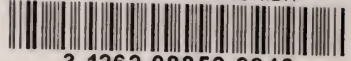
Sec. 2. That the Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion.

[Extract from "An act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fourteen," approved March 4, 1913 (37 Stat. 832-833; 21 U. S. C. 151-158)].

That from and after July first, nineteen hundred and thirteen, it shall be unlawful for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia, or in the Territories, or in any place under the jurisdiction of the United States, or to ship or deliver for shipment from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals, and no person, firm, or corporation shall prepare, sell, barter, exchange, or ship as aforesaid any virus, serum, toxin, or analogous product manufactured within the United States and intended for use in the treatment of domestic animals, unless and until the said virus, serum, toxin, or analogous product shall have been prepared, under and in compliance with regulations prescribed by the Secretary of Agriculture, at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Agriculture as hereinafter authorized. That the importation into the United States, without a permit from the Secretary of Agriculture, of any virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and the importation of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, are hereby prohibited. The Secretary of Agriculture is hereby authorized to cause the Bureau of Animal Industry to examine and inspect all viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are being imported or offered for importation into the United States, to determine whether such viruses, serums, toxins, and analogous prod-

ucts are worthless, contaminated, dangerous, or harmful, and if it shall appear that any such virus, serum, toxin, or analogous product, for use in the treatment of domestic animals, is worthless, contaminated, dangerous, or harmful, the same shall be denied entry and shall be destroyed or returned at the expense of the owner or importer. That the Secretary of Agriculture be, and hereby is, authorized to make and promulgate from time to time such rules and regulations as may be necessary to prevent the preparation, sale, barter, exchange, or shipment as aforesaid of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and to issue, suspend, and revoke licenses for the maintenance of establishments for the preparation of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, intended for sale, barter, exchange, or shipment as aforesaid. The Secretary of Agriculture is hereby authorized to issue permits for the importation into the United States of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are not worthless, contaminated, dangerous, or harmful. All licenses issued under authority of this Act to establishments where such viruses, serums, toxins, or analogous products are prepared for sale, barter, exchange, or shipment as aforesaid, shall be issued on condition that the licensee shall permit the inspection of such establishments and of such products and their preparation; and the Secretary of Agriculture may suspend or revoke any permit or license issued under authority of this Act, after opportunity for hearing has been granted the licensee or importer, when the Secretary of Agriculture is satisfied that such license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, or shipment as aforesaid, or the importation into the United States of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals. That any officer, agent, or employee of the Department of Agriculture duly authorized by the Secretary of Agriculture for the purpose may, at any hour during the daytime or nighttime, enter and inspect any establishment licensed under this Act where any virus, serum, toxin, or analogous product for use in the treatment of domestic animals is prepared for sale, barter, exchange, or shipment as aforesaid. That any person, firm, or corporation who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not exceeding \$1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

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